

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

GWENDOLYN SMITH,

Plaintiff,

v.

JILL LIMERICK, BARBARA WILT, and
JAMES SANSONE,

Defendants.

No. 1:17-cv-00712-CL
ORDER

AIKEN, District Judge:

Magistrate Judge Mark Clarke filed his Findings and Recommendation ("F&R") (doc. 84) recommending that defendants' motions to dismiss (doc. 34, 44, and 53) be GRANTED and the majority of plaintiff's claims in her Second Amended Complaint be dismissed with prejudice. Magistrate Judge Clarke also recommended that plaintiff should be required to show good cause prior to being allowed to file any further claims against defendants Barbara Wilt and James Sansome.

The case is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Plaintiff has filed timely objections (doc. 90) to the F&R, and defendant Barbara Wilt also filed timely objections. (doc. 87). No responses were filed by either party. When either party objects to any portion of a magistrate judge's F&R, the


district court must make a *de novo* determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Having reviewed the record, the Court finds no error in the F&R. Thus, the Court adopts Magistrate Judge Clarke's F&R (doc. 84) in its entirety. Accordingly, defendant's motions (docs. 34, 44, and 53) are GRANTED. Plaintiff shall be allowed to proceed on her claims for Trespass and Trespass to Chatels against defendant, Limerick. All claims against defendants Wilt and Sansome are dismissed, with prejudice. Further, for the reasons expressed in the F&R, plaintiff shall be required to make a showing of good cause prior to filing any further claims or cases against defendants Wilt and Sansome in this Court.

Finally, while the Court does not grant defendant Wilt's request for sanctions related to her court fees, she is advised that she may submit a request for costs pursuant to Fed. R. Civ. P. 54.

IT IS SO ORDERED.

Dated this 16th day of January 2020.



Ann Aiken
United States District Judge